3 In view of the decision of the Government of India at (a) & (b) above, the seniority of Sri G. B. Shinde, whose date of continuous officiation in the equated cadre is dated 27th January 1950 has to be refixed as Sl.No. 81 A (i.e.,) immediately below Sri D.V. Narayana Rao at Sl. No. 81 to be and immedaitely above Sri V.N. Raichur Sl.No. 82, after deleting his name at Sl.No. 128.

4 It is accordingly proposed to refix the Seniority of S/Shri S.G. Gokhale, G. K. Hegde N. T. Kavathekar, R. V. Bentur and G. B. Shinde. Objections to this proposal if any, may be submitted in *Six Sets* addressed to the Secretary to the Government of India, Department of Personnel, Cabinet Secretariat, North Block, New Delhi through the Commissioner for Commercil Taxes in Mysore, Bangalore, within one Month from the date of publication of this Notification in the *Mysore Gazette*.

By Order and in the Name of the Governor of Mysore,

B. P. PATIL,

Deputy Secretary to Government,
General Administration Department,
27 *(Integration).*

Notification dated 1st August 1972.

No. GAD 47 INS 72. The final Inter State Seniority List of the Non-Gazetted Officers of Publicity and Information Department has been published in accordance with the decisions of the Government of India in Part III-I of the *Mysore Gazette* dated 1st December 1966 under Notification No. GAD 181 INS 66 dated 2nd November 1966. In that list the name of Sri K. N. Bengeri has been ranked at Sl. No. 2 in Category V-Ministerial. Aggrieved by the equation of post and ranking Sri K. N. Bengeri filed a Writ Petition No. 1987/67 in the Mysore High Court. The High Court disposed of the Writ Petition on 8th June 1972. The High Court Judgment is annexed.

Representations from all those who are likely to be affected by the final decisions of the Government of India that may be taken with regard to the equation of the post held by Sri K. N. Bengeri as also his rank, may be submitted in six sets addressed to the Secretary to the Government of India, Department of Personnel, Cabinet Secretariat, North Block, New Delhi,-1, through the Director of Information and Tourism in Mysore, Bangalore *within one month* from the date of publication of this Notification in the *Mysore Gazette*.

By Order and in the Name of the Governor of Mysore

B. P. PATIL,

26 *Dy. Secy. to Govt. Genl. Admn. Dept.*
(Integration).

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 8th Day of June 1972.

PRESENT.

The Hon'ble MR. A. Narayana Pai, Chief Justice.

AND

The Hon'ble MR. Justice S. R. Range Gowda writ Petition No. 1987 of 67.

Krishnarao Narayanarao Bengeri, OOD. Asst. Secretary, Boundary Consultative Committee, Bangalore-1. Govt. of Mysore, Vidhana Soudha.

Petitioner.

(By Sri K. S. Savanur).

Vs.

1 The Union of India by its Home Secretary, New Delhi.

2 The State of Mysore by its Chief Secretary, Vidhana Soudha, Bangalore.

3 D. Narayana Rao, 283, 7th Block Jayanagar Bangalore.

4 C. V. Iype, Assistant Director of Publicity, Information Department, Vidhana Soudha, Bangalore.

... *Respondents.*

(By Sri B. Ramachandra Rao, for Respt-1,
By Sri D. B. Mandappa, High Court Government, pleader for Respt.—2, others not present).

Writ petition under Article 226 of the Constitution of India with an affidavit praying that in the circumstances stated therein this Court may be pleased to quash the orders of Respondent No. 2 in No. GAD 181 INS 66 dated 2nd November 1966 published in *Mysore Gazette* dated 1st December 1966 etc.

This writ Petition coming on for hearing this day, Chief Justice, made the following:—

ORDER

The petitioner, who is a Stenographer allotted from the erstwhile State of Bombay to new State of Mysore complains against the rejection of his representation to equate his post with that of the Chief Reporter in the Department of Publicity and Information.

2 As the equations have been maintained without difference in both the provisional and final ISS list and the petitioner placed in Category V, whereas the Chief Reporter had been placed in the higher category No. IV and the petitioner had also full opportunity to make representations and in fact did so, the only point for consideration is whether has been a clear application of the four principles governing the formaulation of equations in the manner discussed in the Judgment of this Court in Dharmaraj V. Union of Indis, 1970 (2) Mysore Law Journal 184.

3 Although there is much Material both in the representations made by the petitioner as well as in the counter affidavit now filed by one of the Deputy Secretaries of the Central Government dealing with specially the question of integration, the matter for examination is not really whether to-day the material examined in one way would support the decision taken by the integrating authority so for as the disputed equations are concerned. The substantial question is whether the proceedings of the Advisory Committee and connected papers containing the decision of the integrating authority before the publication of the final ISS list contain sufficient evidence of the application of the said principles.

4 As the persons concerned are non-gazetted officers of the State on the matter was dealt with by the State Advisory Committee, copy where of has been placed before us by the Government Pleader, we do not find any indication of the matter having been considered in the manner mentioned above. The only clear statement of the case so far as the Petitioner's complaint is concerned is a single sentence rejecting his prayer that 'the duties of the Chief Reporter were of a higher nature than the Stenographers of Bombay'.

5 There is no alternative, therefore, but to quash the rank assigned to the petitioner in the final ISS list of the non-gazetted officers of the Department of Publicity and Information & to direct the Central Government to assign to him his correct position after considering the question of equation raised by him after giving an opportunity to him and other persons likely to be effected by the ultimate decision of the integrating authority of making representations. We order accordingly. Time six months.

A. NARAYANA PAI,
Chief Justice.

S. R. RANGE GOWDA,
Judge.

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NOTIFICATION

Dated 26/28th July 1972.

No. GAD 60 INS 71, Whereas the final Inter State Seniority List of Stenographers of Mysore Government Secretariat as on 1st November 1956 was published in accordance with the decisions of Government of India in Part III-1 of the *Mysore Gazette* dated 6th May, 1965 under notification No. GAD 58 INS 64, dated 30th April, 1965 read with notification No. GAD 15 INS 65 dated 20th January, 1967 and GAD 222 INS 69, dated 11th July, 1969;

And, whereas, the Mysore High court in its judgment dated 23rd March 1971 on the writ petition No. 398/67 (Khaja Hasnuddin Vs. State of Mysore and others) quashed the rank assigned to the petitioner in the said final Inter-State Seniority List and directed the Government of India to re-examine his case of seniority after giving him and all others likely to be affected by the ultimate decision an opportunity to make representations;

And, whereas, the representations submitted by the petitioner Sri Khaja Hasnuddin, and others in pursuance of the judgment of the High Court were considered by the Government of India in consultation with the State Advisory Committee.

Now, therefore, in exercise of the powers conferred by the proviso to Article 309 of the constitution and in accordance with the decisions of the Government of India under the provisions of Section 115 (5) of the States Reorganisation Act, 1956 (Central Act 37 of 1956), the Governor of Mysore is pleased to confirm the rank assigned to Sri Khaja Hasnuddin at Sl. No. 53 in the final Inter State Seniority List of Stenographers of Mysore Government Secretariat as an 1st November 1956, cited above.

By Order and in the name of the Governor of Mysore,

B. P. PATIL,
Deputy Secretary to Government, General Administration Department (Integration).

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